

REMARKS

Favorable reconsideration of this application, in view of the following discussion, is respectfully requested.

Claims 1-12 are pending. No claims are amended, added, or canceled. Therefore, no new matter is introduced.

In the outstanding Office Action, Claims 1-7 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu (U.S. Patent No. 6,687,901) in view of Winters et al. (U.S. Patent No. 7,100,011, hereafter “Winters”) and Peng ‘049 (U.S. Patent No. 7,007,049, hereafter “Peng ‘049”); Claims 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu, Winters, and Peng ‘049 in further view of Shaw (U.S. Patent No. 6,381,741); and Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu, Winters, and Peng ‘049 in further view of Peng ‘436 (U.S. Patent No. 6,959,436).

Initially, the rejection of Claims 1-7, 9, and 10 as being unpatentable over Imamatsu, Winters, and Peng ‘049 is respectfully traversed.

The present application claims the benefit of the filing date of JP 2002-99102, filed April 1, 2002. In accordance with 37 C.F.R. § 1.55(a)(4), submitted herewith is an English-language translation of JP 2002-99102 together with a statement that the translation is accurate. A certified copy of JP 2002-99102 was previously submitted, as acknowledged in the Office Action Summary of the Office Action dated October 20, 2008. Thus, Applicants respectfully submit that the enclosed documents perfect the claim to priority to JP 2002-99102 under 35 U.S.C. § 119. As the filing date of this Japanese application, April 1, 2002, antedates the November 18, 2002 filing date of Peng ‘049, it is respectfully submitted that Peng ‘049 does not qualify as prior art with respect to the present application. Accordingly, application of the Peng ‘049 reference in support of a *prima facie* case of obviousness with

respect to Claims 1-7, 9, and 10 is improper. Accordingly, it is respectfully requested that the rejection of Claims 1-7 and 9-10 under 35 U.S.C. § 103(a) be withdrawn.

Further, as all other rejections of record rely upon Peng '049, and Peng '049 does not qualify as prior art with respect to the present application for the reasons discussed above, it is respectfully submitted that a *prima facie* case of obviousness has not been presented.

Accordingly, it is respectfully requested that the rejection of Claims 8, 11, and 12 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-12 is earnestly solicited.

Respectfully submitted,

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